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ILLINOIS HISTORICAL SURVEY

MESSAGE

To The

THIRD SPECIAL SESSION

59th GENERAL ASSEMBLY

ILLINOIS

By

HENRY HORNER

GOVERNOR

FEBRUARY 5, 1936

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MESSAGE OF GOVERNOR HORNER TO THE THIRD SPECIAL SESSION OF THE FIFTY-NINTH GENERAL ASSEMBLY.

To the Members of the Fifty-ninth General Assembly:

The work of the General Assembly upon the subjects included in the proclamations convening the First and Second Special Sessions has not yet been completed. Additional important subjects now demand legislative consideration. Since it is not possible, under the Constitution of this State, to amend or broaden the call for a special session, it is necessary that a third session be convened to consider the subjects to which I shall refer.

It is desirable that the election laws of this State be amended in certain particulars to protect the rights of suffrage and insure the execution of the will of the electorate. Our government, national, State and local, is based upon democratic principles. The people are their own rulers. This right to rule must be jealously protected to retain this form of government. Unless elections are honestly conducted to prevent frauds, the will of one person or of a few is substituted in place of the majority.

The election machinery provided by law is imperfect and defective. This is particularly true in relation to the statutory provisions for establishing the right of persons to vote. For years in this State our laws have provided for registration of electors to prevent illegal voting by persons not entitled thereto. A new system of permanent registration of voters has been proposed. The merits of this plan are obvious to any one who studies it. It will have two beneficial results—it will discourage and lessen illegal voting and encourage qualified electors to cast their votes for the candidates and principles of their choice. National, State and local officers will be nominated and elected this year and it is timely that we take this opportunity to improve and better our laws regulating the conduct of elections. The penalties for violation of our election laws ought to be certain and severe enough to insure against the wanton disregard of such laws.

I recommend also that the provisions of the primary election law be clarified in one respect. Political parties, by its terms, must have cast a certain percentage of the entire vote in order to nominate its candidates at a primary election. In Cook County at the last judicial election, a coalition ticket was agreed upon and elected and consequently no candidates were nominated by the Republican Party. It has been suggested that no Republican primary can be held in that county since less than the required percentage of votes cast at the judicial election were for Republican candidates. I can not believe our laws would be construed to produce such an unfair result but unquestionably our laws should be phrased to guard against any possibility of barring a major

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political party from participation in primary elections. Irrespective of political affiliation we must be just and fair in the recognition of the basic rights of all political parties.

Early in this administration I earnestly recommended legislation to submit to the people of Chicago, a proposition to consolidate the three large parks and nineteen smaller parks within that city. I deemed this desirable as a decisive step in the direction of home rule and local self government and because it was believed and represented that there would ensue a material reduction in the aggregate cost of maintaining and operating these twenty-two parks for the recreation, amusement and welfare of the people of Chicago.

The Act establishing the Chicago Park District subject to the referendum of the people of Chicago, as passed in 1933, limited the annual tax levy (exclusive of amounts levied to pay bonded indebtedness and interest thereon) to three mills on the dollar of taxable property in the district. At the regular session of the Fifty-ninth General Assembly a bill was passed amending this provision so that the tax levy limitation for the years 1935 and 1936 was three mills on the dollar or a rate that will produce $9,000,000, whichever was the greater. This was one of several bills affecting the fiscal affairs of this district. I did not give my approval to these measures but rather than interfere with proper re-financing and refunding plans of the district I permitted them to become law without my signature. At the same time I pointed out that it was the responsibility of the commissioners of the district to the taxpayers and residents of Chicago to administer the affairs of the district in the spirit of the Act submitted to and approved by the voters and to faithfully fulfill the promises made to the people at that time.

It now has been disclosed that not only has there been no such reduction but that the aggregate cost of operating these parks has been substantially increased since the consolidation. I have consistently by word and action, advocated reduction in governmental expenditures not only as to the State but all of its municipal corporations and political subdivisions. If local governing bodies in the exercise of the discretion vested in them will not curb unnecessary expenditures of public money, they should be restrained by legislative enactment. I do not believe that the expenditures of the Chicago Park District should, in any event, exceed the total costs of the superseded park districts and I favor legislation which will prevent taxation and revenues beyond that amount.

One of the very important duties of government is to protect and safeguard the lives and health of persons employed in industries. It has long been recognized that unless the State interposes, the employee to a large extent must accept the conditions and terms of employment offered him. This is particularly true as to safeguards designed to protect the health and lives of persons working in certain dangerous occupations and compensation for illness and death suffered during the course of employment. Statutory provisions of this type are not simple and easy to prepare and during recent months important statutory regulations on these subjects were declared invalid by our courts for indefiniteness and uncertainty. There has also been an urgent demand by both

employer and employee for the inclusion of compensation for death and illness from occupational diseases, which are not now included in our Workmen's Compensation Act. To ascertain if common ground could not be reached to remedy these deficiencies I called a conference between representatives labor and employers to discuss the subject. These representatives have been in conference for months and, I am informed, now have ready for submission to the General Assembly suitable measures acceptable to all parties affected and designed to remedy the situation. There should be no delay or hesitation on the part of the legislature in adopting proper legislation so agreed upon to protect the large number of persons engaged in industrial occupations and their dependents.

I have received a number of requests to make it possible for the General Assembly to correct a provision in our law relating to securities. In section 12b of this Act there is a prohibition against selling or offering for sale securities which contain the word "gold" unless the securities are redeemable or payable in gold. This requirement was entirely salutary when enacted, but recent Federal legislation, sustained by the Supreme Court of the United States, has made ineffective the provision in an obligation which purports to require payment in gold. This Federal action together with our Securities Law raises a question of the right of holders to market "gold" securities which at the time of their issuance were by their terms redeemable in gold. An amendment to this provision should be adopted so that only valid securities heretofore issued and outstanding can be freely bought and sold without violation of law.

The law of this State regulating the operation of grain warehouses prohibits an operator from storing his own grain in a warehouse operated by him. I am informed that this restriction works an unnecessary hardship upon a large number of legitimate grain warehousemen and that both agricultural interests and grain dealers are agreed that it should be amended to permit an operator under certain conditions to store his own grain. This subject should receive the careful consideration of the General Assembly but no legislation should be enacted which will endanger the property and rights of other persons who store grain in public warehouses. Adequate protection for the public should be established by requiring proper and sufficient and additional bond to be given by warehousemen who store their own grain.

I have refrained from including many other subjects which have been suggested but upon which it seemed to me action could without harm be deferred. There should be no difficulty for the prompt consideration of the matters included and the enactment without delay of appropriate legislation.

Respectfully submitted,

HENRY HORNER, *Governor*

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